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Intelligence Community Forward to a New Era

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When it comes to the secrets of the CIA and the rest of the nation's intelligence agencies, Sen. Barry M. Goldwater (R-Ariz.) said, "There are many bits of information that I would just as soon not know."

As the prospective new chairman of the Senate Intelligence Committee, Goldwater, 71, is finally in a position to make his views stick.

The Reagan White House is not likely to complain. The incoming administration's plans for any new directions on the part of the U.S. intelligence community remain to be determined, but one thing appears certain: a new era of secrecy will be sought.

Some of the president-elect's top advisers on intelligence matters have been outspoken opponents of the Freedom of Information Act. A determined effort is expected to put most of the CIA's and many of the FBI's records beyond the reach of that law.

In addition, the Reagan administration appears likely to join the CIA and its congressional allies in trying to make it a crime to disclose the names of U.S. intelligence operatives who have been working abroad, even if the information comes from public documents. The proposal is still pending in Congress, but disputes over its constitutionality make passage unlikely before the lame ducks go home.

As for other secrets, both the Senate and House Intelligence committees have built up formidable reputations in recent years for keeping them intact. A new congressional oversight law President Carter signed just last month eliminates the need for intelligence agency disclosure to other committees. But Goldwater, for one, said in an interview that he still isn't quite satisfied.

"Some things get so damn hairy involved," he said of U.S. intelligence operations. "Once you're told about them, you want to keep on knowing how they're going." In time, he said, he feared, things could slip out.

In fact, sources say, Congress has not been told of a fairly broad array of clandestine operations over the past six years, despite a widespread impression that all of them had to be disclosed to eight separate committees.

Under the 1974 Hughes-Ryan amendment, which was supplanted last month, no covert CIA operation could be carried out unless the president made an explicit finding that "each such operation is important to the national security" and reported a description of the undertaking to the appropriate committees of Congress.

The requirement was soon turned into a loophole, sources say, when President Ford and later President Carter issued so-called "worldwide findings" declaring that any covert CIA operations to counter terrorism and narcotics traffic or to produce anti-Soviet propaganda were, on their face, important to the national security. Under this system, devised with the consent of key lawmakers, Congress need not be told of any particular activities under the overall headings until after they have been launched, and then only if Congress should ask about them.

The new law appears to require the eventual disclosure of all intelligence activities, but it restricts such reports to the two Intelligence committees, and it is so ambiguous, sources say, that it may require prolonged negotiations with the new administration to determine just what secrets it is willing to share.

"There's enough ambiguity in the law for the new administration to be able to turn on its head what the draftsmen really had in mind," said one source.

Like the standards worked out with the Senate committee the best," one source predicted.

In another development, which seems likely to accelerate in the weeks ahead, the FBI has been meeting with key Senate conservatives such as Paul D. Laxalt (R-Nev.) and Alan K. Simpson (R-Wyo.) for the last three to four months in an effort to win their approval of a new charter for the bureau. Important concessions, expanding the extent of FBI surveillances, appear to be in store.

"I imagine the American Civil Liberties Union will be less satisfied because of the changes," an FBI source said. "The ACLU would like to limit our discretionary powers by tightening the language to the point where we can investigate only where a crime is about to be committed . . . I honestly don't think the changes will bring in [the investigation of] more groups. If the language were read in the broadest way, I guess you could go too far. But we're not going to do that."

ACLU legislative counsel Jerry Berman said he was not encouraged. "We are far more skeptical now about getting a balanced FBI charter that protects civil liberties while advancing legitimate law enforcement interests . . . Sure, [FBI Director William H.] Webster's a man of integrity. But he's not going to be there forever. If it's a charter that says, in effect, 'trust the director,' it's not worth the paper it's written on."